



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/592,599      | 06/12/2000  | Dongyan Wang         | SAM1.PAU.64         | 7070             |

23386 7590 12/23/2010  
Myers Andras Sherman LLP  
19900 MacArthur Blvd.  
Suite 1150  
Irvine, CA 92612

|          |
|----------|
| EXAMINER |
|----------|

TRAN, MYLINH T

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2179

|           |               |
|-----------|---------------|
| MAIL DATE | DELIVERY MODE |
|-----------|---------------|

12/23/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                    |  |
|------------------------------|--------------------------------------|------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/592,599 | <b>Applicant(s)</b><br>WANG ET AL. |  |
|                              | <b>Examiner</b><br>MYLINH TRAN       | <b>Art Unit</b><br>2179            |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-14,18-24 and 28-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-14,18-24 and 28-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/19/2010</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

Applicant's request for reconsideration filed 02/26/2010 has been entered and carefully considered. Arguments regarding rejections under 35 U.S.C 102 and U. S. C. 103 to claims (1-6, 8-14, 18-24 and 28-33) are persuasive. However, the limitations of the claims have not been found to be patentable over prior art of record and newly discovered prior art. These claims 1-6, 8-14, 18-24 and 28-33 are rejected under the new ground of rejection as set forth below.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35

Art Unit: 2179

U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-3, 6, 10-12, 20-22, 29 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayes et al. [US. 6,781,518] in view of Naughton et al. [US. 6,020,881].

**As per independent claims 1, 10 and 20**, Hayes et al. teach a computer implemented method and corresponding system for providing a user interface for controlling devices that are currently connected to a network comprising the steps/means:

for at least one of said devices (column 1, lines 12-20): discovering a plurality of devices that are currently connected to the network (figure 1A); obtaining information for commanding and controlling at least one of the plurality of devices by at least one other device currently connected to physical layer of the network (column 2, lines 35-50, column 8, lines 12-26, wherein Hayes et al. teach “The HAVi allows control information to be transferred between devices at two levels”), wherein the information and including at least a device name and service type (column 6, lines 1-35 and column 8, lines 12-25; wherein Hayes et al. show a 8 bit ID identifying the device to allow different versions of the same device type to exist and a device number);

wherein the physical layer provides a communication medium that can be used by the plurality of devices to communicate with each other (figure 1A);

generating a graphical user interface based at least on the obtained information (column 8, lines column 12, lines 28-40, wherein Hayes et al. cite "since the HAVi standard allows an ongoing two-way dialog between the controlled and controlling devices, the remote control display an" configuration can be updated dynamically during use of the system"),

While Hayes et al. show a remote control including a display wherein the target device displays at least one of the plurality of associated icons on the display of the remote control. The remote control comprises at least one configured function defined by the target device and a display displaying an icon standard with at least one configured function (column 12, lines 5-10), Hayes et al. do not explicitly show the user interface including one or more references associated with each of the devices currently connected to the network; neither displaying the generated user interface such that a user can use each reference of the displayed user interface to access each device.

However, Naughton teach et al. the reference associated with each of the device and displaying the generated user interface such that a user can use each reference of the displayed user interface to access each

Art Unit: 2179

device (column 22, lines 42-65, wherein Naughton shows the handheld display device then transmits the appropriate commands that turn the television on or off. Similarly, if the user selects any of the television channel buttons 66-69, the television channel button anticipates and the hand-held display device transmits the appropriate commands to the real television thereby tuning the television to the Selected channel). Accordingly, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have modified the step of how to interact with different functions of devices on a GUI of Naughton et al. to include a display of function icons on a GUI to achieve the claimed invention. One would be motivated to make such a combination is to guide users how to access and control remote devices.

**As per claims 2, 11 and 21**, Hayes et al. teach a type of service that each device can provide and the user control interface is generated and displayed based on at least an attribute and capability of the service type (column 5, lines 5, lines 20-35).

**As per claims 3, 12 and 22**, Hayes et al. teaches including device data corresponding to each device based on the information obtained from each device (column 2, lines 35-50, column 8, lines 12-26, wherein Hayes et al. teach "The HAVi allows control information to be transferred between devices at two levels").

**As per claims 6, Hayes et al.** teach the device information in each device including device identification information for that device (column 6, lines 1-35, wherein Hayes et al. show a 8 bit ID identifying the device to allow different versions of the same device type to exist and a device number).

**As to claim 29,** Hayes et al. teaches the network being a home network (figure 1A).

**As to claim 31,** Hayes et al. teaches the generated user interface including at least one icon graphic for a device (column 10, lines 25-60).

**As to claim 32,** Hayes et al. teach the generated user interface including a hierarchy of control pages (column 11, lines 1-25).

Claims 4-5, 8-9, 13-14, 18-19, 23-24, 28, 30 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayes et al. [US. 6,781,518] in view of Naughton et al. [US. 6,020,881] and further in view of Kemink [US. 7,574,693].

**As per claims 4, 13 and 23,** the combination of Hayes et al. and Naughton et al. fail to clearly the step of generating the user interface further includes the steps of associating a hyper-text link with the device information in each of said devices currently connected to the network, such that each hyper-text link provides access from the user interface

Art Unit: 2179

to the information in an associated device. However, Kemink et al. teach the associating a hyper-text link with the device information in each of said devices currently connected to the network (column 4, lines 50-65), such that each hyper-text link provides access from the user interface to the information in an associated device (column 4, lines 42-67). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the teaching of Kemink of the hyper text link with the device information with the teaching of Hayes in view of Naughton. Motivation of the combination would have been to dynamically update a change of the devices.

**As per claims 5, 14 and 24**, the combination of Hayes et al. and Naughton fail to clearly teach an HTML page for user interaction with and/or control of that device. However, Kenmink et al. teach the feature at column 4, lines 52-65. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the teaching of Kemink of the hyper text link with the device information with the teaching of Hayes in view of Naughton. Motivation of the combination would have been to dynamically update a change of the devices.

**As per claim 8**, the combination Hayes et al. and Naughton teach fail to teach the steps of each reference in the user interface including at least one electronic link providing direct access from the user interface



Art Unit: 2179

to at least the user control interface description. However, Kemink teaches the feature at column 4, lines 42-65. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the teaching of Kemink of the hyper text link with the device information with the teaching of Hayes in view of Naughton. Motivation of the combination would have been to dynamically update a change of the devices.

**As per claims 9, 18, 28 and 33**, while Hayes teaches the user interface including device data corresponding to each device based on the information obtained from each device (column 2, lines 35-50, column 8, lines 12-26, wherein Hayes et al. teach “The HAVi allows control information to be transferred between devices at two levels”), the combination Hayes and Naughton fail to teach the one link in the user activated link is used to access the associated device and retrieve control interface description contained in the corresponding device to generate and display a device user interface based on the retrieved control interface description, for user interaction with that associated device. However, Kemink teaches the one link in the user activated link is used to access the associated device and retrieve control interface description contained in the corresponding device to generate and display a device user interface based on the retrieved control interface description, for user interaction with that associated device (column 6,

Art Unit: 2179

lines 8-25). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the teaching of Kemink of the hyper text link with the device information with the teaching of Hayes in view Naughton. Motivation of the combination would have been to dynamically update a change of the devices.

**As to claim 19**, the combination Hayes and Naughton fail to teach using each link in the user interface to access the information in each associated device, and generating the user interface including device data corresponding to each device using the accessed information in each device. However, Kemink teaches each link in the user interface to access the information in each associated device, and generating the user interface including device data corresponding to each device using the accessed information in each device (column 7, lines 1-25).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the teaching of Kemink of the hyper text link with the device information with the teaching of Hayes in view of Naughton. Motivation of the combination would have been to dynamically update a change of the devices.

**As to claim 30**, the combination Hayes et al. and Naughton fail to clearly teaches the graphical user interface employing browser technology to allow users to control and command devices over the home network. However, Kemink teaches the feature at column 6, lines

Art Unit: 2179

8-35. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the teaching of Kemink of the hyper text link with the device information with the teaching of Hayes in view of Naughton. Motivation of the combination would have been to dynamically update a change of the devices.

### ***Response to Arguments***

Applicant has argued that Hayes does not teach or suggest multiple devices. However, Hayes teaches multiple remote controls at column 1, lines 17-20, wherein Hayes cites "In those devices known as universal remote controls, this capability is particularly useful since such remote controls have a generally generic keypad layout".

Applicant has argued that Hayes does not teach or suggest "discovering a plurality of devices that are currently connected to the network". However, Hayes shows the device to be controlled (TV, VCR) conveys, or is caused to convey, a summary of its capabilities to the remote control. In one inventive method, the remote control need only recognized and process a single set standard abstract feature indicators. That means the controlled devices are recognized and processed a single set standard abstract feature indicators.

Applicant has argued that Hayes does not teach or suggest obtaining information for commanding and controlling at least one of the plurality of devices by at least one other device currently connected to physical

Art Unit: 2179

layer of the network. However, Hayes shows the HAVi allows control information to be transferred between devices at two levels at (column 2, lines 35-50, column 8, lines 12-26).

Applicant has argued that Hayes does not teach generating a graphical user interface based at least on the obtained information (column 8, lines column 12, lines 28-40, wherein Hayes et al. cite "since the HAVi standard allows an ongoing two-way dialog between the controlled and controlling devices, the remote control display an" configuration can be updated dynamically during use of the system") while Naughton shows the handheld display device then transmits the appropriate commands that turn the television on or off. Similarly, if the user selects any of the television channel buttons 66-69, the television channel button anticipates and the hand-held display device transmits the appropriate commands to the real television thereby tuning the television to the Selected channel) (column 22, lines 42-65).

Applicant has argued that Hayes does not teach the information and including at least a device name and service type. However, Hayes teaches the information and including at least a device name and service type (column 6, lines 1-35 and column 8, lines 12-25; wherein Hayes et al. show a 8 bit ID identifying the device to allow different versions of the same device type to exist and a device number);

Art Unit: 2179

Applicant has argued that Kemink does not teach or suggest the user interface includes data obtained from a device or that data is retrieved from the device since appliance vendors and third parties supply the device data. However, Hayes teaches the feature at column 2, lines 35-50, column 8, lines 12-26, wherein Hayes et al. teach "The HAVi allows control information to be transferred between devices at two levels".

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached at 571-272-4847.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

Art Unit: 2179

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mylinh Tran

Art Unit 2179

/Weilun Lo/

Supervisory Patent Examiner, Art Unit 2179